

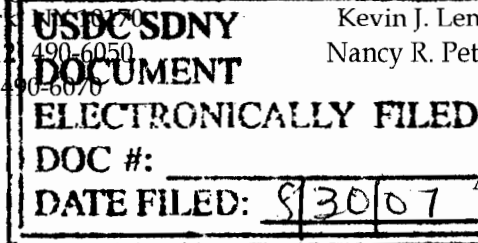
MEMO ENDORSED

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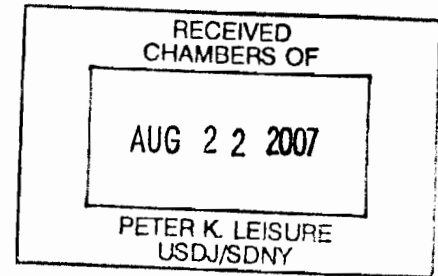
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August 21, 2007

By Hand

Honorable Peter K. Leisure
United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street, Room 1910
New York, NY 10007



Muhieddine Shipping Co. v. Pepsi Foods Pvt Ltd., et al.
S.D.N.Y. Docket No. 07 CV 6962 (PKL)
LLM File No. 07-1023

Dear Judge Leisure:

We represent the Plaintiff in the above-referenced action and write to seek leave to file a Second Amended Verified Complaint pursuant to Fed. R. Civ. P. 15, which Rule provides, in part, that "leave to amend shall be freely given when justice so requires." Defendant has neither appeared in this action nor contacted us.

This is an admiralty case. By way of status, Plaintiff commenced this action on August 2, 2007 with a Verified Complaint that contained a prayer for maritime attachment pursuant to Supplemental Admiralty Rule B of the Federal Rules of Civil Procedure. Based on written information provided to us by Plaintiff, our client, the principal amount claimed in the Verified Complaint was \$114,937.00.

Thereafter, on August 16, 2007 Plaintiff filed an Amended Verified Complaint. The amendment simply changed the name of one defendant from "Pepsi Food India Pvt. Ltd." to "Pepsi Food India Pvt. Ltd. a/k/a Pepsi Foods Pvt. Ltd." The amendment was appropriate because this Defendant's name was written both ways in the contract documents.

Today, we received written notification from garnishee ABN-AMRO Bank N.V. that on August 3, 2007 it restrained an electronic funds transfer in the amount of \$85,075.60 being paid to this Defendant.

Most importantly, we were just advised by Plaintiff, our client, that, unfortunately, it incorrectly conveyed to us the amount of the principal claim. This error was recently discovered. The correct amount of the principal claim is \$1,114,937.00. As such, the attached proposed

Second Amended Complaint accurately reflects the principal claim and adjusts the amount of the anticipated London arbitration award accordingly, *i.e.*, the amount of interest and attorneys' fees have been adjusted.

Based on the foregoing, we respectfully request that your Honor "So Order" Plaintiff's request for leave to file a Second Amended Verified Complaint. Should the Court require a formal motion, Plaintiff shall promptly file same.

Finally, in the interests of economy, we have also enclosed my Supplemental Affidavit attesting that Defendants cannot be "found" in the Southern District of New York; Amended Ex Parte Attachment Order; and Amended Order Appointing Special Process Server. Should the Court agree that leave should be freely granted to file the Second Amended Verified Complaint, we kindly ask that that complaint be docketed and that the two draft orders be signed and returned to us.

We thank the Court for its indulgence and remain available to answer any questions or to appear for a conference.

Respectfully submitted,


Charles E. Murphy

CEM/bhs

Plaintiff is granted leave to file the Second Amended Verified Complaint.

SO ORDERED.

New York, New York

August 30, 2007


U.S.D.J.